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March 21, 2025

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The Honorable Gregory H. Woods
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

MEMORANDUM ENDORSED

Re: 1:24-cv-08971-GHW; Plaintiff's Second Request for an Extension of Time Within Which to Effectuate Service and to Adjourn the Initial Pretrial Conference Scheduled for March 27, 2025 at 4:00 p.m.

Dear Judge Woods,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe and for an adjournment of the Initial Pretrial Conference currently scheduled for March 27, 2025 at 4.00 p.m. and for the resetting of all proposed scheduling deadlines until after the Defendant has been named and served.

On November 23, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 207.38.145.104 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

Because Defendant is only known to Plaintiff by Defendant's IP address, on December 27, 2024, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On December 30, 2024, the Court granted Plaintiff leave to serve a third-party subpoena on Defendant's ISP to obtain the Defendant's identifying information. Plaintiff issued the subpoena on or about January 10, 2025, and, in accordance with the time allowances provided to both the subscriber and the ISP, expects to receive the ISP response on or about March 21, 2025.

On November 26, 2024, the Court entered an Initial Case Management Conference Order setting the Initial Conference for March 27, 2025 at 4:00 p.m. Prior to the Initial Case Management Conference, the parties are required to confer and submit to the Court a proposed Case Management Statement. Because Defendant's identity is unknown to Plaintiff at this time,

Plaintiff is unable to anticipate the specific information required in the proposed Case Management Statement, including issues such as timing, electronic discovery, or even whether Plaintiff will ultimately proceed against Defendant.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than April 22, 2025. Plaintiff respectfully requests that the deadline to effect service be extended for an additional thirty (30) days from April 22, 2025, and thus the deadline to effect service be extended to May 22, 2025. This extension should provide Plaintiff time to receive the ISP response, to conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action and, if a good faith basis continues to exist, to proceed against that individual (or someone else), amend the Complaint and place the summons and Amended Complaint with the process server to attempt to effect service of process.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended to May 22, 2025, and the Initial Pretrial Conference currently scheduled for March 27, 2025 is adjourned until after the Defendant has been served with the summons and Amended Complaint.


Respectfully Submitted,

By: /s/Jacqueline M. James
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Application granted in part. Plaintiff's March 21, 2025 request for an extension of time to serve the summons and complaint on Defendant and to adjourn the initial pretrial conference, Dkt. No 13, is granted in part. The deadline for Plaintiff to serve the summons and complaint on Defendant is extended to May 22, 2025. The request to adjourn the initial pretrial conference is denied because the Court has already adjourned the initial pretrial conference *sine die* in its November 26, 2024 order, Dkt. No. 5. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 13.

SO ORDERED.

Dated: March 23, 2025



GREGORY H. WOODS
United States District Judge